





March 29, 2016

Eric Warren
Central Valley Regional Water Quality Control Board
1685 E Street
Fresno CA 93706
Sent via email to Eric.warren@waterboards.ca.gov

Re: Revised Work Plan for Northern MPEP

Dear Mr. Warren,

We thank you for the opportunity to comment on the revised Management Practices Evaluation Program Work Plan (MPEP) for East San Joaquin Water Quality Coalition, Sacramento Valley Water Quality Coalition, San Joaquin County and Delta Water Quality Coalition, Westlands Water Quality Coalition, Grassland Drainage Area Coalition and Westside San Joaquin River Watershed Coalition (hereinafter "Coalitions"). Unfortunately, the workplan as presented has significant problems and as written will not provide the level of information needed to understand whether and where agricultural discharges meet discharge limitations.

The Workplan specifies that it will NOT identify whether practices are protective of groundwater quality.

This draft contains several problematic references that, in combination, raise concerns that this program will not fulfill its obligation to "identify whether site-specific and/or commodity-specific practices are protective of groundwater."

• The description of "BPTC" on Page 8 of the workplan provides only a vague description of Water Board requirements, defending this by pointing out there is no definition of BPTC in law. Where there is no statutory definition, there is extensive guidance found within Water Board documents on how to determine if something meets the standard of BPTC. In fact, the order itself is pretty specific in its requirements for BPTC:

- The Order requires "implementation of BPTC/best efforts as appropriate and monitoring, evaluation, and reporting to confirm the effectiveness of the BPTC/best efforts measures in achieving their goals. The Order relies on implementation of practices and treatment technologies that constitute BPTC/best efforts, based to the extent possible on existing data, and requires monitoring of water quality and evaluation studies to ensure that the selected practices in fact constitute BPTC where degradation of high quality waters is or may be occurring, and best efforts where waters are already degraded. Because the State Water Board has not distinguished between the level of treatment and control required under BPTC and what can be achieved through best efforts, the requirements of this Order for BPTC/best efforts apply equally to high quality waters and already degraded waters. (Final State Water Board Revised East San Joaquin Order, February 2018, PDF p. 181).
- Our reading of this is that the MPEP must establish BPTC, and continue through an iterative process to improve those practices that cannot be demonstrated to be protective of groundwater quality.
- The workplan states, on Pages 27-28, that "...it will not be possible to calculate the mass reduction associated with implementation of specific management practices with any real accuracy, but it will be possible to rank the effectiveness of practices in reducing leaching..." This is wholly unacceptable. The first objective of the MPEP is to identify whether practices are protective of groundwater quality within high vulnerability areas. If this workplan is only able to provide a comparative analysis, then an iterative process must be identified that will meet the requirements of the order. If this statement is proven to be correct, the only option for ensuring compliance will be a significantly higher level of water quality and field-level monitoring than is currently envisioned.
- As we stated in 2016 in response to the last iteration of this workplan: "The goal of the MPEP is to determine which management practices are sufficiently protective of groundwater to allow members to meet receiving water limitations. The MPEP must clearly define the methodology they will use to measure nutrient loading to the basin and compliance with receiving water limitations. This methodology must then be applied to crops (both in field studies and through modeling) and evaluated to determine the effectiveness of the methodology and components thereof with respect to nitrogen loading and groundwater protection. However, the MPEP's Work Plan lacks clear metrics as to how management practices will be determined and evaluated. Metrics must be quantitative and verifiable to ensure practices are protective of water quality and able to meet receiving water limitations. A management practice which results in exceedances of receiving water limitations is not protective of groundwater. Without numeric metrics it is impossible to determine the extent to which a management practice does or does not meet receiving water limitations. "

Proposed deadline revision is problematic.

The workplan proposes delaying the date of the final report by a year until 2024. While we're frustrated by the continued delay in required deliverables for this program, this delay could be acceptable if the proposed annual report were more robust. We strongly recommend that it be expanded to include

- Updates on protective practices identified through literature research;
- A list of practices and/or crops under review, a timetable for results and the status and schedule for reviewing new practices and/or crops;
- The results of studies showing whether and to what extent studied practices are effective in protecting groundwater, and whether and when these practices were communicated to coalition members.

The current workplan relies on models that don't provide sufficient information;

We appreciate the detailed explanation of how the SWAT and Hydrus are well-known and reliable models for understanding agricultural inputs. We have two concerns about the use of these models in this program:

- Since the workplan states that these models can't provide sufficiently specific
 information to determine whether practices will protect groundwater quality, more
 work clearly needs to be done, Specifically, we're concerned that the workplan refers to
 the potential for field studies without making a commitment to actually conduct such
 studies. The workplan should, at minimum, provide guidance as to when, how or under
 what circumstances data from field studies will be incorporated into the program;
- Neither of these models are groundwater models, yet these practices are required to be incorporated into Groundwater Quality Management Plans. If we are to determine the effect of these practices on groundwater quality in a specific area, we need to be able to pair these models with an accurate and locally calibrated groundwater model. The recent amendments to the Order adopted by the State Board last month make this even more important. In order to develop locally valid water quality targets, we need to understand the impact of these practices on shallow groundwater. The workplan needs to be updated to identify what groundwater model will be used, or lacking that information, how the model will be selected.

Workplan still fails to identify priority crops and practices that will be studied.

We appreciate the literature list in Appendix A, but it would be helpful to include the actual practices that were investigated in those studies. That list of practices could be updated and included in the annual report with any new information identified. It's not clear why this report identifies these practices as "available to the regional board on request" when there is clear value in including them in this plan and no violation of private business information. We also would like a list of crops that will be studied and a timetable of when studies will commence and when results might be expected.

Is this plan of sufficient scope and urgency?

Because of the lack of detail in the plan, it is difficult to understand whether the level of study contemplated by the plan is sufficient to address those crops that have the greatest potential for nitrogen loading to groundwater, and whether this plan will be implemented with sufficient alacrity to ensure that identified best practices are adopted in a timely fashion. According to the timeline, four studies will be conducted between now and 2020; however, since we don't know the breadth of practices that will be investigated, we have no way of knowing whether these studies are adequate, or whether we will be left at the end of the study period with a set of practices that fail to meet receiving water limitations. Conversely, if protective practices are identified, it is not clear how quickly implementation is expected to be achieved by members. Until successful implementation occurs, this program will provide no water quality protection.

We look forward to working with you in future and for thank you for providing us the opportunity to comment on this document.

Sincerely,

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CC: Parry Klassen